

APPLICATION: MA/09/2227 Date: 4 December 2009 Received: 9 February 2010

APPLICANT: Mr & Mrs P Furner

LOCATION: WILTON HOUSE, LENHAM ROAD, KINGSWOOD, MAIDSTONE, KENT, ME17 1LX

PARISH: Ulcombe

PROPOSAL: Planning permission for conversion of outbuilding to granny annexe as shown on the site location plan received on 04/12/09 and the 1:500 scale block plan and proposed floor plans and elevations received on 09/02/10.

AGENDA DATE: 18th March 2010

CASE OFFICER: Angela Welsford

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by the Parish Council

1.0 POLICIES

- 1.1 Maidstone Borough-Wide Local Plan 2000: ENV28, H33.
- 1.2 The South East Plan RSS 2009: CC1, CC6, C4.
- 1.3 Government Policy: PPS1, PPS7.

2.0 HISTORY

- 2.1 MA/09/0068 – Detached double garage – APPROVED
- 2.2 MA/07/1428 - Amendments to planning permission MA/06/0524 (erection of one detached dwelling) to include resiting, revised floor plans, erection of a chimney and fenestration amendments – APPROVED
- 2.3 MA/07/0372 - Erection of a detached garage (*at "The Oscars"*)– APPROVED
- 2.4 MA/06/0524 - Erection of 1 no. detached dwelling – APPROVED
- 2.5 MA/81/1573 – Loft extension – APPROVED
- 2.6 MA/79/0634 - Temporary change of use of existing garage/stable to use as a print room – APPROVED

3.0 CONSULTATIONS

3.1 ULCOMBE PARISH COUNCIL

- 3.1.1 03/03/10 – “Ref the above planning application (conversion of outbuilding to granny annex) please could you note that the additional information submitted does not alter the previously expressed view of Ulcombe Parish Council (that it wishes to see the application refused) because:
- 3.1.2 1) The use of the building for housing would still create an overdevelopment of the site and would therefore cause cramming in terms of parking and amenity space. Additional car movements to and from the site would contribute to the traffic hazards that already exist on Chartway Street. The council appreciates that the intended occupant would not herself drive a car and therefore create problems with parking space and additional car movements. However, consideration needs to be given to the future occupation of the building once it is no longer required for the purpose of housing the applicant's elderly mother, and the probable needs of those occupants.
- 3.1.3 2) The position of the annexe is extremely close to the boundary with the neighbouring property. Concerns still remain regarding the impact on the quality of life of these neighbours, with regard to the general loss of privacy and to the position of the kitchen with its associated smells. Again, whilst this impact might be more limited all the time the applicant's mother is in residence, consideration should be given in the long term to the possible effect on the neighbours' quality of life once she ceases to live there and the annexe is occupied by other residents.
- 3.1.4 Please could you note that the parish council wishes the application to be referred to committee.”
- 3.1.5 13/01/10 – “Please could you note that Ulcombe Parish Council wishes to see the above planning application (conversion of outbuilding to granny annex) refused because:
- 3.1.6 1) The use of the building for housing would create an overdevelopment of the site (which is outside the village envelope) and cause cramming especially in terms of parking and general amenity space. The existence of the new house, The Oscars (which was not shown on the plans), immediately behind the site, contributes to the sense of over-crowding that is likely to arise if more residential accommodation is provided.
- 3.1.7 2) The annex is very close to the neighbouring property and the design of the internal layout means that the position of the kitchen would be likely to impact

negatively upon the quality of life of the neighbours because of the effect of smells, noise and loss of light and privacy.

3.1.8 3) Additional car movements to and from the site would contribute further to the traffic hazards that already exist on Chartway Street.

3.1.9 The parish council wishes the decision to be referred to MBC planning committee."

4.0 REPRESENTATIONS

4.1 Objection received from the occupiers of "Roseleigh" (neighbours to the east) on the following (summarised) grounds:

- Plans and information are misleading as "The Oscars" and its boundary wall height and construction are not shown (*officer comment – this has now been rectified*);
- Smells from the kitchen;
- Light pollution from new windows and external lighting;
- Loss of light to annex from garage at "The Oscars";
- Overdevelopment;
- Lack of parking/number of vehicles;
- Noise pollution from recreational usage if the occupant has impaired hearing;
- Creation of a separate dwelling once the intended occupant has passed on.

5.0 CONSIDERATIONS

5.1 The Site

5.1.1 The application site is located in open countryside just outside of the Kingswood village envelope, as defined on the Maidstone Borough-Wide Local Plan 2000 proposals map. It is, however, situated in Ulcombe parish.

5.1.2 The plot is rectangular and contains, in its centre, a detached dwelling, ("Wilton House"), behind which sit a single-storey outbuilding (the subject of this application) and a detached double garage that is currently under construction (ref. MA/09/0068). It was formerly part of a much larger plot that was subdivided and a new dwelling, ("The Oscars") and associated detached garage were granted planning permission on the rear (southern) part, under references

MA/06/0524, MA/07/1428 and MA/07/0372. That development had almost been completed at the time of my site visit.

5.1.3 The outbuilding, which is the subject of the application now before Members, is 'L'-shaped, and sits in a courtyard type arrangement with "Wilton House", (the other two sides being marked by the boundary fence with "Roseleigh" (neighbour to the east) and a fence separating this garden/courtyard area from the drive. The main range of the outbuilding is positioned on an east-west axis, and has a pitched, gable roof of concrete interlocking tiles. At the western end of the southern (rear) elevation is a flat-roofed, single-storey extension. The building currently contains garage, store, utility and workshop facilities, and is understood to be used for purposes incidental to the domestic use of the dwelling, "Wilton House."

5.2 The Proposal

5.2.1 Planning Permission is sought for the conversion of the outbuilding to a fully self-contained granny annex.

5.2.2 This would involve some alterations to the fenestration, namely the addition of two windows to the north elevation (facing "Wilton House") and the replacement of the existing garage and personal doors to the west elevation (facing the drive) with two windows, plus internal works to create two bedrooms, a bathroom, a lounge/diner and a kitchen.

5.2.3 No changes are proposed to the external dimensions of the building.

5.2.4 It is important to note that planning permission is only required because the proposal involves material external alterations to the building (i.e. the fenestration changes), and therefore constitutes development. If no material external changes were proposed, planning permission would not be required as case-law is clear that the internal works in themselves would not constitute development so long as the accommodation is used in an ancillary manner and not as a separate dwelling, (the latter would constitute a change of use).

6.0 PLANNING CONSIDERATIONS

6.1 Principle of the Development

6.1.1 The proposal is to create a self-contained annex within an existing and lawful residential curtilage. The accommodation to be provided, though self-contained, would be ancillary to that in the main dwelling, "Wilton House", and, as such, no change of use would occur. Although the accommodation proposed is fully self-contained, and therefore, in theory, capable of occupation as a separate dwelling, I consider that the building's very close proximity to "Wilton House", (approximately 8m separation distance), and its intimate relationship therewith (windows looking straight into the rear courtyard garden area and facing a

number of principal windows on the rear elevation), would make it extremely unlikely that it could be occupied as a totally independent unit.

6.1.2 Furthermore, the agent has confirmed that the occupant would be a dependent elderly relative, Mr Furner's 89 year old, widowed mother, plus all services currently in the building (i.e. water, sewage, electricity, telephone) are linked to "Wilton House" and paid for as one dwelling, and this would not change. There is an existing internal telephone link, as the building is understood to have been formerly used in part as a games room.

6.1.3 In view of all the foregoing points, I am satisfied that the ancillary relationship with "Wilton House" could be adequately secured by a suitably worded condition and that the development is acceptable in principle.

6.2 Visual Impact

6.2.1 No changes are proposed to the external dimensions of the building. Consequently there would be no additional bulk or mass arising from the development. I therefore consider that its visual impact on the character and appearance of the countryside would not be significantly different as a result of this proposal.

6.2.2 In design terms, I consider that the proposed fenestration changes would actually represent an improvement to the overall appearance of the building, adding more interest to its currently fairly bland northern and utilitarian western elevations.

6.3 Loss of Light and Overbearing Impact

6.3.1 As this is an existing building, and no changes are proposed to its external dimensions, it would not have any different effect on the levels of daylight and sunlight reaching neighbouring properties as a result of this proposal than it does currently. Similarly, it would not result in an overbearing impact on any neighbouring property.

6.3.2 In terms of the impact in the proposed annex itself, I noted during my site visit that the detached garage of "The Oscars" is positioned fairly close to what would become the south-facing window of one of the bedrooms (just over 4m separation). However, given that this bedroom would have three windows, one on each of the eastern, southern and western elevations, and taking account of the fact that it would be a bedroom, rather than a main living room, and would form part of a unit of ancillary accommodation, on balance I do not consider that so significant a loss of light or overbearing impact would arise as to warrant grounds for refusal of this application.

6.3.3 Similarly, the approved garage for "Wilton House" would stand approximately 3m from the western elevation of the annex, which would feature two windows,

each serving one of the bedrooms. This garage, however, will be of a predominantly flat-roofed design with only a small pitched section at the front (northern end), and consequently, due to its low height and again the fact that these would be bedrooms, rather than main living rooms, in a unit of ancillary accommodation, on balance I consider the impact to be acceptable.

6.4 Privacy

6.4.1 Due to the close proximity of the building to "Wilton House" (approximately 8m) and the fact that it would have windows facing directly into that property's rear courtyard garden and a number of principal windows on its rear elevation, if the proposal was for a separate residential unit, the relationship and a loss of privacy would be unacceptable. However, as the proposal is for ancillary accommodation to "Wilton House" (in effect, a detached extension) no such concern arises as the whole site will remain as one residential unit.

6.4.2 The proposed windows to the west elevation would look onto the drive/new garage, so would not cause a loss of privacy.

6.4.3 No additional windows are proposed to the east elevation (facing "Roseleigh"), and views from the existing window in the flat-roofed rear addition to the building and from the proposed north-facing windows would be obstructed by the existing boundary treatments.

6.4.4 Although the south-facing windows would look towards "The Oscars" development, the uninterrupted separation distance to the house there would exceed 30m and is thus considered acceptable.

6.5 Parking/Highway Safety

6.5.1 There is an existing shared access, and no changes are proposed to this.

6.5.2 The submitted plans show three parking spaces adjacent to "Wilton House" in addition to the two in the garage that is currently under construction. This is considered more than adequate to serve this one residential property, for, as already mentioned, the proposal is for ancillary accommodation rather than an additional residential unit.

6.5.3 Any additional car movements could not be considered significant in the context of existing traffic volumes and movements on the local road network.

6.6 Landscaping

6.6.1 As this is an existing building in an existing residential curtilage and no significant external groundworks are proposed, I do not consider that, in this instance, a landscaping condition is necessary.

6.7 Ecology

6.7.1 As this is an existing building already in ancillary domestic use and the only external changes proposed relate to fenestration, there are no ecological matters to consider.

6.8 Other Matters

Turning to other matters raised as a result of consultation and not already considered above: -

6.8.1 CRAMMING – Ulcombe Parish Council and the occupiers of a neighbouring property have raised concern that the proposal would result in an over-development of the site. However, as mentioned above, this is an existing building and no additional built development is proposed; plus the accommodation would be ancillary to “Wilton House” and would not create an additional residential unit. Furthermore, as mentioned in paragraph 5.2.4, planning permission is only required as a result of the fenestration changes. Without these, the ancillary accommodation could be created without the need for planning permission, as no development would take place. The fenestration changes would not, in my view, constitute an over-development of the site. I do not, therefore, consider this to warrant grounds for refusal that could be sustained at appeal.

6.8.2 LIGHT POLLUTION – The occupiers of “Roseleigh” are concerned about light pollution from the proposed new windows. However, given the single storey domestic nature of the building, and the existing established boundary treatments, I do not consider that this would be significant enough to justify a refusal of planning permission that could be sustained at appeal.

6.8.3 SMELLS – The occupiers of “Roseleigh” have also raised concern as to smells arising from the proposed kitchen. However, this is an existing residential property and no change of use is proposed. Consequently, any smells beyond those which could be reasonably expected from a domestic property would be covered by environmental protection legislation rather than planning legislation. I do not therefore consider this to constitute grounds for refusal of planning permission.

6.8.4 NOISE – Similarly, any noise over and above that which could be reasonably expected from the domestic occupation of the property would be dealt with under separate legislation and is not a planning consideration since the proposal does not involve a change of use.

6.9 Conclusion

6.9.1 Taking all of the above into account, the proposal, subject to a suitably worded condition tying it as ancillary accommodation to “Wilton House”, is considered to comply with Development Plan policy and there are no overriding material

considerations to indicate a refusal. Consequently, I recommend that Members grant approval with conditions as set out below.

7.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The annex accommodation hereby permitted shall only be used as additional ancillary accommodation to the principal dwelling, currently known as "Wilton House", and shall not be sub-divided, separated or altered in any way so as to create a separate self-contained residential unit;

Reason: Its use as a separate unit would result in an unsatisfactory relationship with the principal dwelling contrary to Policies ENV28 & H33 of the Maidstone Borough Wide Local Plan 2000; and would be contrary to Central Government policy contained in PPS1 & PPS7, and policies CC1, CC6 & C4 of The South East Plan RSS 2009 and policies ENV28 & H33 of the Maidstone Borough Wide Local Plan 2000 which prevent new unjustified and unsustainable residential development in the countryside.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.